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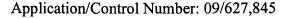
APPLICATION NO.	CATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/627,845	07/28/2000		Rinaldo Di Giorgio	83000.1137/P4398/RSH	1070
24209	7590	05/12/2004		EXAMINER	
GUNNISON MCKAY & HODGSON, LLP				PEESO, THOMAS R	
1900 GARDEN ROAD SUITE 220				ART UNIT	PAPER NUMBER
MONTERE	Y, CA 9	3940		2132	X

Please find below and/or attached an Office communication concerning this application or proceeding.

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Art Unit: 2132

#### DETAILED ACTION

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

## Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 1 of claim 19, the phrase "computer readable program code" should be changed to read "computer program product" since it is dependent on claim 14 which uses that claim language.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,038,551 to Barlow et al. in view of the examiner taking official notice.

As per claim 1, Barlow et al. disclose a portable device having a processor and memory coupled to the processor and an interface to the portable device wherein the interface is configured to transmit data to a memory of the portable device (col.7, lines 28-50). Barlow et al. do not specifically disclose a pointer residing in memory. The examiner, however, does take official notice that it is a well known feature for a pointer found in a memory for pointing for a location of data. It would have been obvious to anyone having an ordinary level of skill in the art at the time the invention was made to have included this feature in a device since it provides a convenience method of locating data at a known section.

As per claims 2, 8 and 15, Barlow et al. shows this feature (col. 7, lines 28-45).

As per claim 3, Barlow et al. show limitation (col. 15, lines 38-52).

As per claim 4, Barlow et al. discloses a computer readable program code (col. 11, lines 16-22).

As per claim 5, Barlow et al. further shows this limitation (col. 10, lines 20-26).

As per claim 6, Barlow et al. discloses determining if a device has access to data (col. 10, lines 20-26). The examiner takes official notice for the remaining limitations of this claim.

As per claims 7 and 14, the examiner further notes that storing a private key in memory is a very well known feature in the art.

As per claims 9 and 16, Barlow et al. discloses a smart card interface with a smart card

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server (col. 11, lines 23-35).

As per claims 10, 11, 17 and 18, the examiner takes official notice that it is well known in the art to treat keys in this manner.

As per claims 12 and 19, it would be obvious to clear space in memory to be able to store additional data.

As per claim 13, Barlow et al. disclose these features (col. 10, 20-26).

## Allowable Subject Matter

Claim 20 is allowed.

#### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent No. 4,575,621 to Dreifus.
- U.S. Patent No. 5,832,228 to Holden et al.
- U.S. Patent No. 5,193,114 to Moseley.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R. Peeso whose telephone number is 703 305-9784. The examiner can normally be reached on Mon.-Thur, 7:00 to 4:30 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on 703 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are 703 746-7239 for official

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communications, 703 746-7240 for unofficial communications and 703 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.

Thomas R. Peeso Primary Examiner Art Unit 2132

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April 29, 2004